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RHMFISS/USCENTCOM SPECIAL HANDLING MACDILL AFB FL
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RHMFISS/EUCOM POLAD VAIHINGEN GE
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C O N F I D E N T I A L SECTION 01 OF 03 ANKARA 001508

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SUBJECT: TURKEY: PKK COMING FROM IRAQ AS "PEACE DELEGATION"

REF: A. ANKARA 1475

[1](#)B. ANKARA 1468

Classified By: POL Counselor Daniel O'Grady, for reasons 1.4(b,d)

Summary

[1](#)1. (C) SUMMARY: On October 19 a group of 26 refugees from the Makhmour camp in Northern Iraq and eight reported members of the PKK from Kandil Mountain began returning to Turkey via the Habur Border Gate. PM Erdogan described the returnees as "surrendering" to Turkish authorities while the PKK said the group was a "peace delegation." The Ministry of Interior and the Democratic Society Party (DTP) confirmed they had been working together, along with other GOT agencies, to facilitate a clean and quick return for the group using a creative interpretation of Turkish Penal Code Section 221 ("repentance"). More than 100,000 people, organized by the DTP, were waiting at the border to welcome the returnees. Security at the border was high, and the border remained closed for most of the day to normal traffic. The group began to cross at around 5 p.m. local time. UNHCR said they had not been involved in the return process. Many Kurds will see today's returns as a validation of Ocalan's role in the "Democratic Opening" process, a perception the GOT will not welcome. The government itself has taken a huge step forward by orchestrating a very public return of a self-proclaimed "peace mission" from Iraq. Both sides now need to deliver on maintaining an atmosphere of peace. END SUMMARY.

Arrival of PKK "Peace Delegation"

[1](#)2. (C) After a delay due to a traffic accident in Northern Iraq, a group of 26 refugees from the Makhmour camp in Northern Iraq and eight reported members of the PKK from Kandil Mountain returned to Turkey via the Habur Border Gate at around 5 p.m. October 19. Press reports claimed none of the returnees had participated in armed actions against Turkey in the past, and that there were pending

investigations on five of the returnees for "terrorist propaganda." PM Erdogan described the returnees as "surrendering" to Turkish authorities while the PKK said the group was a "peace delegation." The group was reportedly met by 40 attorneys, four special prosecutors, and a specially assigned judge to check their identities and expedite their entrance into Turkey. Yusuf Alatas, President of the Human Rights Association, told us he expected the entire group to be detained while they are questioned by prosecutors and their identities are confirmed. He believed this detention would be minimal. The DTP had massed more than 100,000 people at the border to welcome the returnees in what was described by one witness as a "celebration feast." Hasim Hasimi, former Mayor of Cizre and informal advisor to President Gul on Kurdish issues, told us he feared provocations from security forces at the welcoming celebration. Hasimi worried that demonstrators might carry pro-PKK signs or slogans, which would arouse the anger of the security forces. Press reports indicated that demonstrators were indeed carrying such signs, but that the security forces were not reacting.

13. (C) We met October 19 with MoI Secretary General Eyup Tepe, who told us that during a meeting this past weekend, Interior Minister Besir Atalay and Minister of Justice Sadullah Ergin had developed a still notional concept of constructive repentance which, they hoped, would allow a returnee process to take root, while enabling the government to assert its continued adherence to section 221 of the Turkish penal code, "repentance." (Note: Article 221

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specifies that no penalty will be imposed on someone who "effectively repents" of their crimes, and provides information to authorities that "is likely to lead to the dissolution of the organization or apprehension of its members." End Note.) Both ministers proposed that, by merely crossing the border, a returnee could be legally interpreted as being sufficiently repentant. As such, according to Tepe, returnees would not be required to make formal or public declarations of their repentance. Tepe noted that the ministers' constructive interpretation of "repentance" would likely be subject to National Security Council (MGK) review at its October 20 meeting.

14. (C) Tepe said that negotiation of today's returns of Kurdish-Turks from northern Iraq had been conducted on a very close-hold basis. Though Tepe works closely with Atalay, the minister had not briefed him on the returns until Friday, October 16. Once notified, Tepe and senior civil servants from several ministries and representatives from the Turkish General Staff had worked through the weekend preparing for the returns. Tepe acknowledged that the bureaucracy had a lot of catching up to do to ensure that its political masters' ambitions did not outrun the ability of the Turkish social support infrastructure to absorb returnees successfully.

DTP: Now it's the Government's Turn

15. (U) DTP Chairman Ahmet Turk told journalists at a press conference on October 19 that the PKK had taken a big step by sending "peace ambassadors" to Turkey and that now it was the government's turn to reciprocate. He stressed that the groups were coming at the behest of PKK leader Abdullah Ocalan, and that the government needed to accept Ocalan as an interlocutor. Turk stated that, "if the state takes one step, the PKK will take ten." Turk warned of problems for the government and its "Democratic Opening" Initiative if the returnees were treated like the 1999 group of PKK-affiliated Kurdish-Turks, which returned to Turkey and was promptly arrested and imprisoned for terrorist offenses. PKK Operations Chief Karayilan, meanwhile, announced that the group was not coming to surrender but to convey a message of peace. He stressed that the PKK had declared a unilateral

cease-fire for the past six months to show they were serious about finding a democratic solution to the problem, but that the government needed to take steps to show its seriousness as well.

¶6. (C) Republican People's Party (CHP) Deputy Atilla Kart told us October 19 his party viewed the return of the group as a positive development in the continuing democratization process. He said he believes that CHP Chairman Deniz Baykal would display a positive attitude toward the returns, "as long as the group acts with common sense." (Comment: We interpret this to mean the returnees should avoid provoking Turks' enmity over the long years of struggle against the PKK. End Comment.) In contrast, however, Mesut Deger, ethnic Kurd CHP Deputy Secretary General, stressed that the CHP would not take a stance on the returns and would continue to underline the importance of the struggle against terrorism. Still, he stated that if this first group of PKK were released by the government after interrogations, the dissolution of the PKK would begin and many others would come. Both leaders stressed that the CHP was going to take a "wait and see" approach to the returnees.

UNHCR Surprised, Worried

¶7. (C) Brenda Goddard, Protection Officer at the United

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Nations High Commission on Refugees (UNHCR) office in Ankara, told us that the returnees from Makhmour camp were a surprise to the UNHCR. She said that UNHCR's Erbil office, after being alerted by press reports October 18, had met with prospective returnees' representatives, who requested UNHCR's assistance. UNHCR had registered its willingness to assist to the Ministry of Foreign Affairs, but had not received a request for assistance yet from the government. Goddard stressed that the UNHCR could not become involved with the returns without an official request from the Government of Turkey. MoI Secretary General Tepe said the Iraqi government had engaged UNHCR on Mahkmour and that the Government of Turkey planned to use that organization's interviews of Mahkmour inhabitants to develop its own profile on likely returnees.

Comment

¶8. (C) In the eyes of many Kurds, today's returns could be seen as a validation of Ocalan's role in the process and a step towards negotiation with the PKK to find a solution to the Kurdish issue in Turkey. This is not an interpretation that the GOT would welcome. Still, whatever the impetus for this development, the government has taken a huge step forward by orchestrating a very public return of a self-proclaimed "peace mission" from Iraq. Now the group will need to deliver on maintaining an atmosphere of peace. However, the lack of coordination between the political level and bureaucracy could lead to embarrassing oversights in the days ahead. Many of our contacts have pointed out the potential pitfalls that could derail the process -- not least that any prosecutor or judge (given their independent roles in the judicial system) could attempt to open cases under Article 301 of the Turkish Constitution ("anti-Turkishness").

JEFFREY

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